

VIRGINIA BOARD OF VETERINARY MEDICINE

MINUTES

JANUARY 31, 1995

TIME AND PLACE: The meeting was called to order at 8:20 a.m. on Tuesday, January 31, 1995 at the Department of Health Professions, Richmond, VA.

PRESIDING OFFICER: William A. Truban, Vice-President

MEMBERS PRESENT: Harvey A. Phillips, DVM
William A. Truban, DVM
Millard D. Stith, Jr.
Randy F. Pinkleton, DVM
Teresa K. Miller, DVM (arrived at noon)

STAFF PRESENT: *Heleen M. Poland, DVM*
Elizabeth A. Carter, Ph.D., Executive Director
Terri H. Behr, Administrative Assistant

OTHERS PRESENT: Howard M. Casway, Assistant Attorney General
Sonja Keefe, LVT, Va. Assoc. of Licensed Veterinary Technicians
Donna Murphy, LVT, Va. Assoc. of Licensed Veterinary Technicians

QUORUM: With five members of the Board present, a quorum was established.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Poland, the Board voted unanimously to approve the minutes of the meetings of December 7 and 8 and January 5 and 10 as presented.

PUBLIC COMMENT: Public comment was received from Dabney Morriss of Manquin, Virginia regarding the necessity of yearly heartworm examinations. He asked the Board to explain why a dog that is on heartworm preventative year around needs to have a yearly blood test. Most of the Board members felt that the veterinarian must remain cognizant of his case and not continually refill a prescription without an examination. This is not a regulation or law, but a standard of care issue.

EXECUTIVE SESSION:

On properly seconded motion by Mr. Stith, the Board voted unanimously to recess open session and immediately reconvene in executive session pursuant to §2.1-344(A)(15) of the Code of Virginia (1950), as amended, for the purpose of deliberations regarding approval of consent orders and §2.1-344(A)(7) for the purpose of consultation with legal counsel regarding reinstatement of licenses and a request for a waiver of the National Board Examination and the Clinical Competency Test.

OPEN SESSION:

On properly seconded motion by Dr. Poland, the Board recessed executive session and reconvened in open session and unanimously voted to certify that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous executive meeting and (II) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

**APPROVAL OF
CONSENT ORDERS:**

On properly seconded motion by Dr. Poland; the Board voted unanimously to accept the Consent Order of William A. Baucum, DVM.

On properly seconded motion by Mr. Stith, the Board voted unanimously to accept the Consent Order of David W. Moore, DVM.

On properly seconded motion by Mr. Stith, five members of the Board voted to accept the Consent Order of Flint W. Stites, DVM. Dr. Phillips abstained from voting.

REINSTATEMENT REQUESTS:

On properly seconded motion by Dr. Poland, the Board voted unanimously to reinstate the license of Susan M Prattis, VMD, upon payment of the reinstatement fee and current renewal fee.

On properly seconded motion by Dr.

Poland, the Board voted unanimously to reinstate the license of William J. Solomon, DVM upon payment of the reinstatement fee and current renewal fee.

On properly seconded motion by Dr. Poland, the Board voted unanimously to table the discussion until more information is received on the reinstatement request of Timothy B. Falls, DVM. Specifically, the Board would like Dr. Falls to inform them whether he has to maintain a license in any state to hold his current position with the federal government. Also they want verification sent from all states that he was previously licensed in that his license was in good standing.

REQUEST FOR WAIVER
OF NBE AND CCT:

On properly seconded motion by Mr. Stith, the Board voted unanimously to approve the request for wavier of the NBE and CCT for Robert F. Goldsboro, DVM.

RESPONSE TO EXECUTIVE
ORDER 15:

Dr. Carter explained to the Board that Executive Order 15 requires the Board to conduct a comprehensive review of its regulations. This year VR 645-0101:1 Public Participation Guidelines were reviewed. Comment on these regulations was requested through publication of a Notice in the Virginia Register, by a Notice sent to persons on the Board's Public Participation Mailing List, and by a Public Hearing on December 7, 1994. No written or oral comments were presented. On properly seconded motion by Dr. Pinkleton, the Board voted unanimously to adopt the staff report on the review of the Board's VR 645-0101:1. Public Participation Guidelines without amendments. This report will be forwarded to the Director of the Department for his review and comments.

DISCUSSION OF ANIMALS
BOARD AT VETERINARY
FACILITIES:

Howard Casway led the discussion by giving the Board background information on what led to this item being placed on the agenda. The Board office received a call from a consumer asking about medical care being rendered to animals boarded at

animal facilities. The caller asked to speak to the Board's attorney and was referred to Mr. Casway. Mr. Casway felt that animals should not be boarded at registered animal facilities. The Board explained to Mr. Casway the procedures for boarding animals at animal facilities.

EXECUTIVE SESSION:

On properly seconded motion by Dr. Phillips, the Board voted unanimously to recess open session and immediately reconvene in executive session pursuant to §2.1-344(A)(7) of the Code of Virginia (1950), as amended, for the purpose of consultation with legal counsel regarding rabies clinics.

OPEN SESSION:

On properly seconded motion by Mr. Stith, the Board recessed executive session and reconvened in open session and unanimously voted to certify that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous executive meeting and (II) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

RABIES CLINICS:

Mr. Casway referred to the memo from Carol Nance and himself regarding rabies clinics. Based on the memo, there are only two criteria for an approved rabies clinic. The local governing body and the local health department must determine there are not enough veterinarians in the locality to provide the service. If these two bodies approve the clinic based on the lack of veterinarians, in the locality, then in this regard the veterinarian participating in such a clinic would be exempt from the requirement that he practice in a Board registered facility.

**UPDATE FROM REGULATORY
RESEARCH COMMITTEE:**

Dr. Carter apprised the Board of what the procedures are for reviewing the

regulations. She advised that the biennial regulatory review should start anew.

CORRESPONDENCE:

A letter received from Dr. William Swartz was discussed. Dr. Swartz asked if licensed technicians were allowed to do a "technician's assessment" on a pet for whom the owner has requested "No doctor's examination". The Board asked Dr. Carter to send Dr. Swartz a letter stating that a technician may not do a "technician's assessment" because a technician is not allowed, by statute, to diagnose. Dr. Carter will also send Dr. Swartz a copy of the regulations.

FORMAL HEARING:

A quorum of the Board held a formal hearing to consider whether to continue the suspension of the license of **Stephen M. Lawson, DVM**, to practice veterinary medicine in the Commonwealth. Board president Teresa K. Miller, DVM presided. Clyde Mathews, Jr., of the Administrative Proceedings Unit represented the Commonwealth. Howard Casway, Assistant Attorney General, was present as counsel for the Board. Dr. Lawson was present and was not represented by counsel. Dr. Lawson was accompanied by his wife, Debbie Lawson, his in-laws, Page and Marilyn Taylor and his brother, Dale Lawson.

EXECUTIVE SESSION:

On properly seconded motion by Dr. Poland, the Board voted unanimously to recess open session and immediately reconvene in executive session pursuant to §2.1-344(A)(15) of the Code of Virginia (1950), as amended, for the purpose of discussion of Dr. Lawson's medical records.

OPEN SESSION:

On properly seconded motion by Dr. Poland, the Board recessed executive session and reconvened in open session and unanimously voted to certify that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous executive meeting and (II)

only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

EXECUTIVE SESSION:

On properly seconded motion by Dr. Poland, the Board voted unanimously to recess open session and immediately reconvene in executive session pursuant to §2.1-344(A)(15) of the Code of Virginia (1950), as amended, for the purpose of deliberation to reach a decision in the matter of Stephen M. Lawson, DVM.

OPEN SESSION:

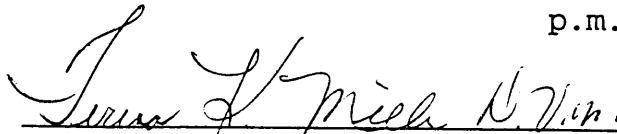
On properly seconded motion by Dr. Poland, the Board recessed executive session and reconvened in open session and unanimously voted to certify that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous executive meeting and (II) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

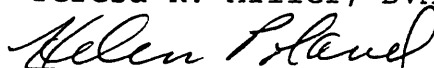
BOARD DECISION:


On properly seconded motion by Mr. Stith, the Board voted to accept the Findings of Fact and Conclusions of Law as presented by the Commonwealth and to continue the suspension of Dr. Lawson's license.

MEETING ADJOURNED:

The meeting was adjourned at 7:45 p.m.


Teresa K. Miller, DVM, President


Helen M. Poland, DVM, Secretary


Elizabeth A. Carter, Ph.D., Executive Director